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Dated: October 19, 2007

Signature: 

(Rebecca L. Brimmer)

Docket No.: 80417(302760)  
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Minoru Yoshida et al.

Application No.: 10/542,726

Confirmation No.: 8366

Filed: July 20, 2005

Art Unit: 3644

For: GREENING STRUCTURE

Examiner: F. T. Palo

**RESPONSE TO NON-FINAL OFFICE ACTION**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INTRODUCTORY COMMENTS**

In response to the Office Action dated August 22, 2007, Applicants hereby provisionally elect, with traverse, Species I, covered by claims 1 and 2 and Subspecies 1A, covered by claim 3.

Applicants respectfully submit that claim 3 is generic to Subspecies 1A, 1B and 1C.

Because claim 1 is generic, if it is found to be patentable, all other claims depending therefrom will also be allowed.

Page 6, of the Office Action states:

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the species unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other species.

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